

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:16-CV-00622-CWR-FKB

THE STATE OF MISSISSIPPI

DEFENDANT

**THE STATE OF MISSISSIPPI'S UNOPPOSED MOTION TO FILE EXHIBITS UNDER
SEAL IN SUPPORT OF ITS *DAUBERT* MOTION AND IN SUPPORT OF
ITS MOTION FOR SUMMARY JUDGMENT (REASONABLE MODIFICATIONS)**

The State of Mississippi (State) requests permission to file certain exhibits under seal in support of its *Daubert* Motion To Exclude Expert Testimony of Plaintiff's Clinical Review Team (Dkt. 147) and in support of its Motion For Summary Judgment (Reasonable Modifications) (Dkt. 145).

1. On December 21, 2018, the State filed its "Daubert Motion to Exclude Expert Testimony of Plaintiff's Clinical Review Team" (Dkt. 147) and its "Motion For Summary Judgment (Reasonable Modifications)" (Dkt. 145).

2. In support of its Motions, the State seeks leave of Court to file the following Exhibits under seal:

- A. Expert Report of Melodie Peet.
- B. August 2018 Expert Report of Kevin O'Brien.
- C. Deposition of Melodie Peet.
- D. Deposition of Katherine Burson.
- E. Deposition of Beverly Bell-Shambley.
- F. Deposition of Robert Drake.
- G. Deposition of Carol VanderZwagg.

- H. Expert Report of Dr. Robert Drake.
- I. Deposition of Judith Baldwin.
- J. Deposition of Daniel Byrne.

3. On March 20, 2018 the Court entered an “Amended Protective Order Regarding Health Information” (Dkt. 59), to protect against the public dissemination of any protected health information in this case. Because each of these exhibits contain protected health information of approximately 154 individuals who received health services in Mississippi, the State should be permitted to file these exhibits under seal.

4. Plaintiff does not oppose the State’s Motion to File Exhibits Under Seal.

5. The State requests that the requirement of a separate memorandum be waived.

Conclusion

For these reasons, the State’s Motion to File Exhibits Under Seal should be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on December 21, 2018, I electronically filed this document with the Clerk of the Court using the ECF system, which sent notification of such filing to all ECF counsel of record in this action.

/s/ Nash E. Gilmore
NASH E. GILMORE